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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1384th MEETING

Held at Headquarters, New York,
on Wednesday, 7 August 1991, at 3 p.m.

Chairman: Mr. ALARCON DE QUESADA (Cuba)
(Vice-Chairman)

later: Mr. SLABY (Czechoslovakia)
(Vice-Chairman)

- Question of East Timor

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In the absence of the Chairman, Mr. Alarcon de Quesada (Cuba), Vice-Chairman, took the Chair.

The meeting was called to order at 3.30 p.m.

QUESTION OF EAST TIMOR (A/AC.109/1072 and Corr.1 and Add.1; A/AC.109/1081 and Add.1) (continued)

At the invitation of the Chairman, Mr. Jeffrey Rudolph (East Timor Alert Network and Canada-Asia Working Group) took a place at the petitioners' table.

The CHAIRMAN (interpretation from Spanish): I now call on Mr. Rudolph.

Mr. RUDOLPH: My name is Jeffrey Rudolph. I am here to represent the East Timor Alert Network, which includes a broad range of Canadians who want to see the wrong done to the East Timorese people, directly by Indonesia and indirectly by Canada and other States, rectified.

The essence of Canada's wrong is not in remaining silent but in actively assisting Indonesia to carry out its genocidal policies by providing diplomatic, economic and military support. Indeed, Canada has been one of Indonesia's main supporters throughout its war against the East Timorese. While Canada has cultivated an image within the United Nations and throughout the third world as a purveyor of peace and justice, its actions in regard to East Timor belie this image.

While before 1980 Canada abstained in the votes on United Nations resolutions concerning East Timor, since that time Canada has voted against United Nations resolutions calling for the immediate withdrawal of Indonesian troops and the right to self-determination of the East Timorese. Additional diplomatic support has been provided through Canada's efforts to have the East Timor issue removed from United Nations agendas, as well as those of the Commission on Human Rights. While recently the Canadian delegation expressed

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its concern at the Commission on Human Rights over continued "allegations" of human rights abuses in East Timor, meaningful efforts by Canada to arrest such abuses are nowhere in evidence.

Through its actions, Canada has essentially accepted the illegal annexation of East Timor as the twenty-seventh province of Indonesia. This behaviour is blatantly inconsistent with recent Canadian actions in the Middle East and with Canada's decision to contribute 740 troops to the United Nations peace-keeping operation in the Western Sahara which will last until a national referendum is held to determine whether the population of the former Spanish colony favours independence from or integration with Morocco. Canada's consistent attitude has been that there is no point badgering Indonesia since the situation in East Timor is irreversible. If that is so, it is only because of the complicity of States such as Canada.

Canada has been a generous provider of economic support to the Indonesian military dictatorship. Indeed, Indonesia is the third largest recipient of Canadian aid dollars, having received $350 million in unconditional bilateral aid since 1987. Such generosity goes back at least to 1975. Soon after the invasion of East Timor, President Suharto visited Canada and came away with a $200 million mixed aid and loan agreement. And, in 1985, Canada gave $23 million in aid. Unquestionably, such Canadian largesse has enhanced Indonesia's ability to subdue East Timor.

Canada's refusal to attach human rights criteria to its aid to Indonesia is sadly ironic since the linkage of development assistance to human rights performance - Canada's ostensible policy - was first apparent with Indonesia in the 1960s. In response to Sukarno's confrontation with Malaysia, Canadian food aid was terminated for a two-year period and no new capital projects or

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commodity shipments occurred in 1965/66 as Indonesia was violating its neighbour's territorial sovereignty and its neighbour's inhabitants right to self-determination. However, it is now apparent that Canada adopted this principled stand since the economic costs were low. Due to the relatively closed and depressed state of the economy under Sukarno, the West was not deeply involved in commercial relations with Indonesia. This situation changed dramatically with the 1965 coup and Indonesia's reorientation towards the West. Hence, since the coup, while Indonesia's human rights record has deteriorated, Canada's prior linkage ended.

By the time of the 1975 Indonesian invasion of East Timor, Canada was a major investor in Indonesia. As such, Canada had an opportunity to exert some degree of restraining influence on its economic partner. Unfortunately, Canada did not use that opportunity. Instead, our then-Ambassador to Indonesia, Glen Shortcliffe, advised that Canada recognized the takeover as a fait accompli. Mr. Shortcliffe also pointed out that this would result in greater benefits to Canadian companies and improve trading relations with Indonesia. In fact, this proved to be an accurate judgement as Canadian business has continued to benefit from foreign direct investment, licensing agreements, trade and debt repayments. However, the case of South Africa shows how powerful even imperfect economic sanctions can be in compelling a brutal regime to change.

More than 300 Canadian companies, attracted by cheap and plentiful resources, low-wage labour, protected markets and free profit and capital repatriation, are active in Indonesia. Heading the list of investors is INCO, owner of a billion-dollar mining and smelter complex in the jungles of Sulawesi. Canadian business is also active in manufacturing, oil and gas and

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financial services. Besides enjoying good returns, such companies help maintain Canada's healthy trade surplus with Indonesia. While the United States is still Canada's main trading partner by a huge margin, in the 1980s Asia passed Europe to become Canada's next largest market. Complicity over East Timor is a tragic by-product of this larger Asian picture.

That profits to Canadian business have been the essential determinant of Canada's policy towards Indonesia is seen from the fact that Canada has been willing to show some independence from the United States foreign policy line when some economic advantage existed. The cases of Canada's relations with Cuba and China are two prominent examples. Hence, while Canada generally follows United States instructions, it ensures that its economic interests are well served.

The huge loss of life in East Timor during Indonesia's illegal aggression would not have been possible without the supply of military equipment to Indonesia by many Western States, including Canada. Canada generally undertakes promotional programmes to assist and to facilitate the sale of military commodities to the third world. In fact, Indonesia has sometimes been a subject of particular interest for such sales because it is considered to be a key buyer within the Pacific Rim. For example, in 1984 Canada sponsored a military trade fair in Indonesia.

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Although Canadian Government policy forbids military sales to "countries involved in or under imminent threat of hostilities" and "countries whose Governments have a persistent record of serious violations of human rights, unless it can be demonstrated that there is no reasonable risk that the goods might be used against a civilian population", Canada has sold and continues to authorize the sale of weapons to Indonesia - a State which violates both conditions. Essentially, Canada has shown itself to be willing to export as many military commodities to Indonesia as Canadian manufacturers can get sales. Hence, the only factor hindering Canadian sales is intense competition from other States, not ethical policy.

Canada is understandably interested in increasing all manner of exports to the Pacific Rim, as this activity benefits its domestic economy. Therefore, one reason why Canada is reluctant to follow its own policy and impose restrictions on military sales to Indonesia is the fear that such an action will negatively affect civilian sales. Yet the question for Canadians must be: At what point do moral concerns intrude on economic issues? Considering that Indonesia is directly responsible for 200,000 deaths in East Timor, Canadians may wonder just what scale of State violence is necessary before their Government's moral-outrage threshold is exceeded and action, apart from a hesitant statement in the Commission on Human Rights, will be taken.

Canada's mainstream media has ensured that the great bulk of Canadians have never heard of a place called East Timor, not to mention its brutal reality. As was the case when the Jewish holocaust was in progress, our leaders and elites are well informed about the true state of affairs in East Timor. However, their judgement about the national interest dictates that

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they not inform the average person. The issue therefore is not Canadians' ignorance about East Timor, but the reason for their ignorance and who benefits from such ignorance. Unquestionably, because of this mass ignorance, groups which benefit from Indonesia's political and economic climate have had free rein to influence Canada's foreign policy towards Indonesia.

The once-colonized nation that itself becomes a colonizer is all too common in modern history. The United States is a good if exceptional example of a colonized country that freed itself from foreign rule, then from dependence on foreign capital, to become in turn a colonial and imperial Power. Indonesia, as well, provides a classic example of the once-colonized nation acting as a colonizer. However, if in the past the alternative to colonial expansion by one Power was not freedom for a Territory but colonial expansion by another Power, this was not the case for East Timor in 1975 - as it was not the case for Indonesia in the latter half of the 1940s.

Undoubtedly, had this decolonization Committee existed in the 1940s, Indonesians would have condemned the brutal Dutch imperialism, while belittling Holland's claims that its critics made spurious allegations. And, as with the East Timor case today, massive evidence would have been produced of Dutch violence, with all independent observers condemning the aggressor. Naturally, it would have surprised no one that Holland's officials would have supported Holland's aggression.

Indeed it is a tribute to our times that there is an intergovernmental forum in which a powerful colonizer can be condemned for retarding the process of self-determination of a militarily weak people who lack the auspices of a major Power. The essence of law is that the powerful and the weak are to be judged by identical principles. The only factor that matters is that the East

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Timorese are human beings; this fact alone entitles them to the entire range of human rights.

If Canada were to live up to its human rights rhetoric it would use its significant economic ties to Indonesia and its respected international reputation to lobby actively for the withdrawal of Indonesian forces from East Timor, to be followed by a referendum in which the people of East Timor can decide their own future. Indonesia may be a strong and wealthy State, but it needs Western and Japanese trade, investment and loans to remain as such. Its refusal even to discuss the rights of the East Timorese is made possible by the near-complete lack of pressure from major outside Powers. Because one is responsible for the reasonably foreseeable consequences of one's actions, it is the duty of accomplice States to right the wrong done to the people of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Douglas McGregor (Hobart East Timor Committee) took a place at the petitioners' table.

The CHAIRMAN (interpretation from Spanish): I call on Mr. McGregor.

Mr. McGREGOR: We thank you for permission to present a petition to these hearings on East Timor. The opportunity to have some input into the decolonization process, as it affects the people of East Timor, is deeply appreciated. We are also pleased to make known the feelings of many of the people in Tasmania who are deeply sympathetic towards the East Timorese people and who, through our presence at these hearings, have gained a better understanding of the Committee's work.

(Mr. McGregor)

We would also like to express our appreciation for the United Nations decision to focus on decolonization during this decade. The relationship of colonizer to colonized is an unequal one, with the implicit or explicit assumption that some people are incapable or unfit for self-government. But as the great naturalist Russell Wallace pointed out a century and a half ago, "the fitness for self-government is inherent in human nature".

The past year has seen much advancement of the case for decolonization of East Timor, including the growing support of parliamentarians, particularly in Japan and the United States, a variety of actions and statements emanating from Europe, continuing firm support from many members of the Non-Aligned Movement, and Portugal's decision to challenge in the International Court of Justice the probably illegal Timor Gap Treaty signed by Australia and Indonesia.

These various actions provide moral support for the East Timorese people, but they remain to be conversed into supportive actions within East Timor itself, where people continue to live with the reality of arbitrary arrest, detention without trial, rape, forced relocation, disappearances, the omnipresence of the Indonesian military and the demand under threat of confinement and torture that they use the Indonesian language exclusively. Indeed the Indonesian military has devised many other methods by which to provoke fear and humiliation.

We would like to refer to three aspects of the situation which are of particular interest to the wider community. First, the campaign currently being organized by the Australian Council for Overseas Aid to promote Australian support for talks on East Timor is receiving growing endorsement at

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both individual and community levels. We hope that it will be able to bring sufficient pressure to bear upon the Government of Australia for it to change its current position, which does not reflect the concern and sympathy of the Australian people.

In 1990 the leader of the East Timor resistance, Commander Xanana Gusmao, said:

"I am ready to discuss any project for a solution without preconditions, under the auspices of the United Nations."

In 1989 the Bishop of East Timor, Monsignor Carlos Belo, wrote to the Secretary-General seeking support for a United Nations-sponsored referendum. These two men are admired and esteemed throughout East Timor, and what they are saying can be seen as representative of the wishes of the East Timorese people as a whole. Such a programme is also in the best interests of the Indonesian people. We believe, too, that all Members of the United Nations, in accordance with the Charter of the Organization, have a responsibility to see that fellow Members - in this instance, Indonesia - engage in talks rather than persist, as Indonesia does, in carrying out its illegal war on the East Timorese.

Secondly, a number of recent events have served as reminders that questions of justice do not disappear. They may be hidden or suppressed, but they still exist. We are referring to the example of talks begun only last year regarding German reparations to Poland in compensation for the massive damage inflicted on the Polish people 50 years ago. There are other examples that indicate the strong possibility that the young people of Indonesia will eventually find themselves paying reparations for the damage inflicted on thousands of East Timorese families by the Indonesian Government and military.

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In this context, it is also important to mention the failure both of the Australian and the Japanese Governments to pay official reparation to East Timor for the damage inflicted during the Second World War. Those Governments which uncritically support Indonesia's occupation of East Timor - in particular, Australia, the United States of America, Japan, the ASEAN nations and several Islamic nations - are, if nothing else, being extremely short-sighted.

Thirdly, we would like to draw your attention to the degree of frustration which exists on this issue, not only among ordinary Australians but among ordinary people everywhere. We have recently seen how effectively the United Nations can act in the case of a smaller nation being invaded by its larger neighbour. People repeatedly ask, why the difference in the case of 15 years of occupation of East Timor? A recent seminar held in Tasmania and entitled "People Power and the United Nations" is representative of the widespread belief that the United Nations is being held back by several Member States prepared to act only in areas of self-interest rather than on the more fundamental basis of respect for human rights and aspirations.

In the context of East Timor, we would like to make the following proposals arising from this concern: First, the United Nations and this Committee should actively promote talks between Timorese, Portuguese and Indonesian representatives to seek a just and humane solution to the occupation of East Timor. Secondly, the work of the United Nations and of this Committee in particular should be made as widely and as publicly available as possible within East Timor itself, so that the people of East Timor have the constant reassurance that their needs and rights have not been forgotten or overlooked in this period during which the United Nations is working for the implementation of a solution. Thirdly, in view of the

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continuing abuse by the Indonesian military regime in East Timor, we respectfully request this Committee to consider supporting an international ban on arms sales to Indonesia. And, fourthly, in view of the problems in implementing resolutions on East Timor - resolutions both of the General Assembly and of the Security Council - it would be helpful if this Committee could identify areas of difficulty and barriers to its successful efforts. People frequently ask why good resolutions fail to be translated into good actions. This Committee might be able to make recommendations to facilitate the process of implementing United Nations resolutions, particularly those referring to the process of decolonization.

The recent call by the British Prime Minister for the United Nations, not the United States, to act as the world's police is also pertinent to East Timor. Such a policing process might well have been able to prevent the Indonesian invasion's taking place, and could help bring about an Indonesian withdrawal now.

We would like to end with some words from a statement presented to the United Nations some years ago by the Celtic League of Nations:

> "No small nation can hope to survive either as a cultural or a social organism in the modern world unless it is given the means to defend and enrich and strengthen its own life. And amongst those means none is more essential than a government of its own".

Those words could also sum up the needs and aspirations of the East Timorese people. We commend the suffering people of East Timor to your care, your diligence and the integrity of your belief in justice and peace.

I was in East Timor just over a year ago. I saw the conditions under which the people live: poverty, undernourishment, intimidation, their land and themselves being exploited thoroughly by their new colonizers to an extent

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unimaginable prior to 1975. Numerous Timorese risked their meagre safety to approach me and plead with me to tell the world of their plight.

I feel qualified, as a graduate student of international development, to establish, as I did, that the technical progress and services claimed to have been achieved by colonial Indonesia do not reach the Timorese people and therefore do not give them a better standard of living. The Timorese would be much better off in control of their own development. This, of course, has been clearly asserted in the well-publicized report from Gadja Mada University of April 1990.

On behalf of the Hobart East Timor Committee, please accept my thanks and encouragement for finding the means to implement the United Nations resolutions. They would be effective in bringing a just solution to this most principled struggle. But it must be asked: What are the barriers? Why do they remain? Who do they benefit?

The petitioner withdrew.

At the invitation of the Chairman, Mr. Geoffrey Robinson (Amnesty International) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Robinson.

Mr. ROBINSON (Amnesty International): I thank you, Mr. Chairman, for this opportunity to address the Committee and to present to it Amnesty International's concerns about human rights in East Timor.

Amnesty International does not take a position on the issue of East Timor's political status. We are presenting our concerns here, as we have done in previous years, because we believe that the discussion of East Timor's political future must be informed by an understanding of the human rights situation in the Territory.

(Mr. Robinson)

Amnesty International has welcomed recent statements by the Government of Indonesia that it intends to play a more active role within the international human rights community, not least through its membership of the United Nations Commission on Human Rights. However, we note with regret that serious human rights violations have continued to occur in East Timor over the last year.

We are particularly concerned by an accelerating pattern of short-term detention, torture and ill-treatment of political opponents, many of whom may be prisoners of conscience. We remain concerned by persistent reports of extra-judicial execution, hundreds of unresolved cases of disappearance and the continuing imprisonment of at least nine alleged FRETILIN members sentenced in trials which we believe were not fair.

Serious limitations remain on the reporting of human rights violations in East Timor, in spite of the opening of the Territory to tourism and commerce in 1989. Those suspected of disseminating human rights information have been subjected to close surveillance by military intelligence, and in our view have a well-founded fear that they themselves may become victims.

Amnesty International has been given a copy of a secret military intelligence document, which we believe to be authentic, that describes the activities of East Timorese student activists and outlines the measures being taken by the intelligence services to address the situation. It is noteworthy that none of the student activities described in the document is unlawful, and none involves the use or advocacy of violence. Especially disturbing, in our view, is the fact that the activities considered threatening and worthy of investigation by military intelligence involve efforts to monitor and disseminate information about human rights. The suspect activities include - and here I quote -

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"contacting the International Committee of the Red Cross and other organizations abroad by telephone, post and other channels in order to convey information to discredit the Indonesian Government and gather sympathy and support for their struggle".

The measures taken by the security forces in response to these alleged activities are equally disturbing. According to the document, the military authorities have undertaken to - and here I quote again from the document:

"continuously monitor and investigate the students' activities, both directly through the intelligence apparatus and indirectly through agents within the student organizations, and to investigate the activities of foreigners, tourists and journalists who contact or have links with members of student organizations."

In its statements to this Committee in 1989 and 1990, Amnesty International expressed concern about an emerging pattern of short-term detention, torture and ill-treatment in East Timor. This pattern has accelerated in the last year: it appears to be part of a systematic strategy to silence real or suspected political opponents of the Government and to obtain political intelligence through coercion and intimidation.

As in past years, the Indonesian Government has denied reports of widespread short-term detention of political activists. However, we have evidence in the form of personal testimony, photographs, eye-witness accounts and court documents which contradict these claims. We have learned the names of more than 400 people who have been detained in East Timor since late 1988, at least 200 of them since early 1990, for their alleged involvement in pro-independence activities.

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Many of those detained have been ill-treated or tortured in custody. The forms of ill-treatment and torture alleged include beatings with iron bars, batons, fists and lengths of cable and bamboo, burning with lighted cigarettes, sexual molestation and rape, slashing with razor blades, food deprivation, immersion for long periods in foetid water, electrocution and threats of death.

The Indonesian authorities have consistently denied allegations of ill-treatment and torture, and have raised questions about the political motives of those who have reported them. Yet there can no longer be any doubt that such violations have occurred on a considerable scale in East Timor up to the present time.

Most detainees have not been formally charged or tried. They have instead been held in military or police headquarters or unofficial "safe houses" for periods ranging from a few days to several weeks. It is in those detention centres, which are seldom seen by visiting Government delegations or journalists, that they are most likely to be ill-treated or tortured. The official explanation that such people have not been arrested but rather "invited for questioning" deliberately obscures the fact that detainees may be held for several weeks in unacknowledged detention and subjected to ill-treatment and torture. Whatever terminology is used, those held for interrogation in jails and detention centres are prisoners. Particularly where it is unacknowledged, their imprisonment, however brief, and their torture or ill-treatment are matters giving rise to serious concern.

Amnesty International believes that at least 30 people and possibly many more were killed by Indonesian security forces in 1990 and early 1991 in

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extrajudicial executions. A number of extrajudicial executions reported last year have since been confirmed, and we continue to receive new information concerning hundreds of politically motivated killings committed by Government forces in the 1970s and the 1980s.

In a majority of cases recently reported we have been unable to obtain details of the circumstances of the alleged killings. Nevertheless, in view of the established pattern of past killings and the inherent gravity of the current allegations, the Government, we believe, has a clear obligation to investigate all such reports immediately, to make public the results of any investigations and to bring the suspected perpetrators promptly to justice.

Last year, Amnesty International presented information to this Committee about six of the more than 20 extrajudicial executions reported in 1989 and early 1990. All six were noted in the January 1991 report of the United Nations Special Rapporteur on Summary or Arbitrary Executions. According to that report the Indonesian Government provided information regarding three of the six killings.

Amnesty International welcomes the Government's response to the inquiries of the Special Rapporteur. It notes that the Government information appears to confirm that the three were extrajudicially executed by Indonesian security forces.

Amnesty International fears that many of the hundreds of people reported to have "disappeared" since 1975 may have been killed. We are also deeply concerned at the number of people more recently reported to be held in unacknowledged detention. Most have been released after a few days or weeks, but because the authorities seldom if ever make public the names of those

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detained or released, the whereabouts and the fate of detainees may remain unclear for some time, and some are feared to have "disappeared".

Amnesty International notes the continuing efforts made by the Indonesian Government to investigate cases of "disappearance" which have taken place in East Timor over the past 15 years, but it is concerned by the slow pace of such investigations. According to its January 1991 report, the United Nations Working Group on Enforced or Involuntary Disappearances considered only one case of "disappearance" to have been clarified by Government information during the year. As of January 1991 only 23 of a total of 73 cases submitted to the Government by the Working Group had been clarified by Government information. It should be noted that the figure of 73 "disappearances" represents only a fraction of the hundreds reported to have "disappeared" since 1975, but in circumstances still too unclear to permit the Working Group to make substantive inquiries to the Government.

Amnesty International continues to question seriously the fairness of political trials in East Timor. The testimony of recently released political prisoners provides evidence of the systematic use of torture in extracting information from political prisoners, raising additional doubt about the fairness of the trials in which they were sentenced. While the Government insists that political trials are open to the public, it has not allowed qualified international observers to attend such trials. Indeed, it has made it clear that attendance would be regarded as an unwelcome intrusion into Indonesia's domestic affairs.

In the interest of ensuring the fairness of future political trials in East Timor, Amnesty International urges the Government to make them accessible to qualified observers and to make trial documents available to international organizations which may request them.

(Mr. Robinson)

In January of this year Amnesty International submitted to the Commission on Human Rights an update of its concerns in East Timor. In that report we noted that the human rights situation had not improved since August 1990, when we had last testified before this Committee. Now, eight months later, there is little evidence of improvement; indeed, there are signs of deterioration. Amnesty International believes that to date the Government's response to credible reports of violations has not reflected a full appreciation of its responsibilities under international law and has in effect permitted the pattern of violations to continue.

The Government has been reluctant to respond substantively to detailed allegations of violations reported by international human rights organizations, and in particular those presented by Amnesty International. Within the past three years, Amnesty International has written to the Government on several occasions requesting specific information concerning the human rights situation in East Timor. Regrettably, we have not yet received replies to those letters. Rather than responding to requests for information or clarification about alleged violations, the Government has preferred simply to deny them. It has on different occasions dismissed all reports, including even the most fully documented, as "entirely unfounded", "unsubstantiated", "highly exaggerated", containing "no grain of truth" and "politically motivated". In Amnesty International's view, the promotion and protection of human rights is not served by general denials of that sort but by concrete measures providing for the thorough and impartial investigation of reported violations.

The Government has also attempted to defuse criticism by claiming that members of the security forces responsible for human rights violations have been disciplined or brought to justice. Yet to date Amnesty International

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does not know of a single police or military officer who has been convicted of torture, extrajudicial execution or any other serious human rights offence committed in East Timor. If indeed members of the security forces have been brought to justice for violations committed in East Timor we would urge the Government to make public the pertinent details.

In spite of the Government's public statements to the effect that foreign observers and international organizations are welcome to visit East Timor, and in spite of repeated requests, Amnesty International has not yet been permitted to visit the Territory. In early 1989, following positive discussions with Government representatives, we submitted to the Indonesian Government a proposal for an official visit to Indonesia and East Timor some time later in 1989. To date we have received no reply to that letter or to several other communications in which we have reiterated our request. However, in meetings with Government representatives we have been told that in the Government's view it is not yet time for such a visit. In July of this year the Indonesian Foreign Minister announced that a visit by Amnesty International had not been ruled out, but he said that permission would depend on the attitude of our organization; permission to visit would not be granted unless our organization conducted itself in an "appropriate" manner.

Amnesty International asks the Government to demonstrate its commitment to protection of human rights in East Timor by permitting international human rights organizations, including those which have been critical of Indonesia's human rights record, to visit East Timor on a repeated basis in order to collect information about the human rights situation there.

(Mr. Robinson)

An agreed basis for all such visits would help to ensure that the findings were both fair and constructive. While in the Territory, visitors should be able to have discussions of substance with Indonesian military, police and civilian authorities. They should also be free to meet and discuss human rights questions in detail with a wide array of individuals and non-governmental organizations knowledgeable about the situation and they should be free to do so without interference from Indonesian Government authorities. The safety of those who provide information to visitors about human rights questions must be strictly guaranteed.

The Indonesian Government has expressed distaste for ill-informed or prejudicial public statements about its human rights record in East Timor and elsewhere. We believe, however, that if ignorance and prejudice exist they would best be remedied if the Government were to act openly and fully in accordance with basic human rights standards and principles based on international law. It is now of particular importance that, as a member of the United Nations Commission on Human Rights, the Government of Indonesia acknowledge and adhere to these standards.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Michael Jendrzejczyk (Asia Watch) took a place at the petitioner's table.

The CHAIRMAN (interpretation from Arabic): I call on Mr. Jendrzejczyk.

Mr. JENDRZEJCZYK (Asia Watch): I thank the Special Committee for permitting Asia Watch to address it. As is known, Asia Watch takes no position on the political status of East Timor. However, we strongly believe that the Committee should take information on human rights into consideration as it discusses East Timor's future.

(Mr. Jendrzejczyk)

We would like to make three main points. First, since last August the human rights situation in East Timor has not improved. Secondly, the credibility of reports of abuses coming from East Timor is strengthened by similar reports coming from Aceh, on the northern tip of Sumatra, where the pattern of arbitrary arrests and torture is much the same. Thirdly, the Indonesian Government's lack of respect for human rights is reinforced by its failure to ratify any major international instrument on human rights such as the International Covenant on Civil and Political Rights or the Convention against Torture.

Let me start with the current situation. Shortly after this Committee concluded its meetings last year there were at least two waves of arrests, in September and October 1990. On 4 September one of the largest crowds ever seen in East Timor - estimated by some at 20,000 - assembled in Dili to commemorate the fiftieth anniversary of the founding of the Catholic diocese in East Timor. A group began calling for independence and, although the thousands of people were allowed to disperse peacefully, arrests began shortly thereafter.

A second wave of arrests began after a prosecutor from the Dili District Court addressed a junior high school and was taunted by the students. A few days later anti-Indonesian graffiti appeared on the walls of the school. In both cases, soldiers and police surrounded the schools, and by mid-November at least 100 students, most of them young teen-agers, had been arrested and, according to official figures, some 14 remain in detention.

Among those arrested was a group of about 20 students who had taken refuge in a church. One of them was Abilio Messquita. On 29 October, soldiers entered the church, handcuffed him and several others and took them to a military interrogation centre. There interrogators subjected him to

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electric shocks and beat him with an iron rod until he fell down. They then smashed a rifle butt into his face. Three other students received the same treatment. They were then taken to the police station where they were kept for four days, until the visible marks of their injuries had begun to alarm their captors. On 2 November, Abilio and another student were finally taken to a military hospital for treatment.

For the first 10 days of his detention, Abilio's family was not permitted to see him. His mother was finally allowed into the hospital on 9 November after personally pleading with the military commander. The Indonesian Government routinely denies access of family members or anyone else to political detainees in East Timor and elsewhere until they are formally charged in a district court. This is in clear violation of Indonesia's 1981 Criminal Procedure Code, which states that a suspect has the right to contact his or her family, doctor and legal adviser. In fact, it frequently happens that the family is not even informed of the arrest. The explanation given by military commanders is that informing a family of the arrest and whereabouts of detainees is "impractical". But practicality is not the issue; the issue is one of preventing torture, which usually occurs in the period immediately following arrest. If detainees are permitted to alert their families to the fact of their arrest and to receive visits from them, as both Indonesian and international law requires, the chances that they will be tortured are considerably reduced.

Torture under interrogation is not the only human rights violation in East Timor, although it is a chronic and systemic problem. The freedoms of expression, association and assembly are also routinely denied. One example of this is the action taken by Indonesian army intelligence against East Timorese students studying in Indonesian universities in Java and Bali.

(Mr. Jendrzejczyk)

It is important to recognize that the same pattern of abuse reported from East Timor also occurs in Indonesia proper. There is a pattern of gross and systematic human rights violations by the Indonesian army which, unless the Indonesian Government is willing to acknowledge and address it, will continue to result in summary executions, torture, arbitrary arrest and restrictions on basic civil liberties. This pertains not only for the East Timorese, but for Indonesians in Java and Sumatra as well.

To this day, Asia Watch is not aware of a single Indonesian soldier prosecuted in a court of law for human rights offence against someone suspected of violating the anti-subversion law. If such prosecutions have taken place, we urge the Indonesian Government to make public specific examples so as to deter future abuses.

The Indonesian army has its own grim inventory of torture techniques, as my colleague from Amnesty International has already described. If the Indonesian Government is serious about preventing torture, it needs to make very clear to military interrogators that these methods will not be tolerated; and this means openly punishing anyone who uses them.

A pattern has emerged in East Timor that is already well known in Irian Jaya, Aceh and even central Java, whereby if one has been arrested in the past for involvement in a political incident like a demonstration one is far more likely to be arrested again when the next such incident occurs. There is thus a widening spiral of arbitrary arrests. A result of this pattern is that the targets of a crackdown, people who have been involved -

The CHAIRMAN (interpretation from Arabic): I call on the representative of Indonesia on a point of order.

Mr. SRIWIDJAJA (Indonesia): Since the petitioner is speaking outside the item under consideration, my delegation requests through you, Mr. Chairman, that he be reminded to restrict himself to that item.

The CHAIRMAN (interpretation from Arabic): I would request the petitioner to continue, taking into account the fact that he should confine his remarks to the subject under discussion.

Mr. JENDRZEJCZYK: The Indonesian Government has repeatedly stated its commitment to human rights, most recently in a statment by Foreign Minister Ali Alatas at the Ninth ASEAN-EC Ministerial Meeting, held in Luxembourg this past 30 May. In the course of that statement, Minister Alatas argued that developed countries tended to emphasize civil and political rights over social and economic rights, whereas in fact such emphasis of one category over another could not be justified. Asia Watch points out that neither Indonesia, a developing country, nor the United States, a developed one, has either signed the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights. We believe that it would be highly desirable for both countries to do so.

(Mr. Jendrzejczyk)

Minister Alatas also stated that if human rights are universal in principle, individual countries should decide for themselves how to implement them, and "no group of countries should assume the role of judge over other countries". But what happens when a country makes no effort to protect the people under its jurisdiction from physical abuse? Indonesia protested when the Government of Bulgaria was persecuting its Turkish minority. The people of East Timor have no recourse but to look to other countries for help in countering their own persecution.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Kan Akatani (Free East Timor Japan Coalition) took a place at the petitioners' table.

The CHAIRMAN (interpretation from Arabic): I now call on Mr. Akatani.

Mr. AKATANI: On behalf of the Free East Timor Japan Coalition, which is composed of nine solidarity groups for East Timor at Sapporo, Sendai, Tokyo, Nagoya, Osaka, Okayama, Zentsuji, Kure and Shimonoseki in Japan, and the Japanese Catholic Council for Justice and Peace, I would like to express my deepest gratitude to the Committee for giving me this opportunity to make a statement on East Timor.

Quite recently the Coalition received a long message from Mr. Shanana Gusmao, the leader of the National Council of Resistance of the Mauberes. Today I wish to introduce that part of his message which is, in fact, addressed to the United Nations. He says:

"Under the present circumstances it is impossible for me to do anything at the United Nations. Even just going to the United Nations is impossible. Should I dare to do so, I will certainly be murdered.

(Mr. Akatani)

Should I even take a step into the township of Los Palos I will become a sitting duck for would-be assassins.

"Having General Assembly resolution 37/30 in mind, United Nations Secretary-General Perez de Cuellar promised the Parliamentarians for East Timor delegation when he met them last March that the visit to East Timor of the Portuguese Parliamentarians would take place. We hope that the Secretary-General will continue his efforts for the realization of that visit, and that when the Portuguese Parliamentarians do get to visit Timor they will negotiate with the Indonesian Government in Jakarta to resolve the question of Timor. My hope is that if they are able to come to East Timor to see the true condition prevailing here, they will then seek a different framework for the solution of this question.

"The United Nations must not forget any party which has a strong interest in solving this problem. The inhabitants of Timor must be considered to be such a party. It is, therefore, most important that representatives of the East Timorese sit at the conference table. Only when East Timorese representatives are seated at the conference table can the negotiations acquire international recognition and legitimacy. We will never abandon our position on dialogue. We are prepared to hold discussions unconditionally - without introducing new conditions. We are prepared to discuss all issues which will lead to the solution of the problem. We are trusting the United Nations Secretary-General to convene a meeting of all parties concerned. We believe that the realization of the Portuguese Parliamentarian Mission will prove to be the source of change in knowledge and attitudes regarding the question of East Timor."

(Mr. Akatani)

Referring to the recent massive aggression in the Middle East, he states:

"The recent massive aggression in the Middle East brought the same results to both Timor and that area."

The CHAIRMAN (interpretation from Arabic): I call on the representative of Iraq on a point of order.

Mr. KADRAT (Iraq) (interpretation from Arabic): The speaker has diverged from the subject and I ask him, through you, Mr. Chairman, to adhere to the subject which the Committee is now considering and not to deal with matters that do not concern him. The subject that he has mentioned has already been thoroughly considered by the Security Council, which decided intentionally to continue the economic blockade in order to starve the population in the name of the freedom, democracy and humanity about which the petitioner is speaking - to starve the people in the name of freedom, democracy and humanity - despite Iraq's favourable position regarding all the resolutions taken.

The CHAIRMAN (interpretation from Arabic): I request the speaker to continue, taking into account the statement just made by the representative of Iraq.

Mr. AKATANI: He continues his statement as follows:

"It is most deplorable that the situation in East Timor has been completely forgotten. 'Principles' are often interpreted in terms of the interests of the countries concerned. But if they are universal - international - in the slightest degree, I believe that the principle should be applied equally, whether the country is large or small, rich or poor."

With reference to the military situation in East Timor, he states:

(Mr. Akatani)

"In the Far Eastern Sector, the Indonesian Battalion 141, composed of 745 Timorese, is operating. There is another paramilitary force, which is not a police force, and whose objective is to assist in military operations of the regular army, operating in the same area. We were engaged in combat against them on 25 and 26 July 1991. Battalions 121, 750, 303 and 343 are stationed in Barique, Soibada, Same and Betano for 'Operation El Blanco'. FALINTIL - the East Timor People's Liberation Army - does not have troops stationed in these areas, but moved troops into these areas to cope with the enemy's operation. The objective of 'Operational El Blanco' is to sweep the areas around the concentration camps - relocation camps - and villages clean of all guerrillas, so that we will be unable to contact members of the Portuguese Parliamentarian Mission. The Indonesian Government is very afraid of our getting in touch with members of the Portuguese Mission. Our struggle is difficult but we will continue our struggle, come what may. We will continue in our fight until pressure from international society will force the Indonesian Government to come to the negotiating table. The activities of the civic organizations have reached the high water mark. We would like to make the most of this situation. We do not believe that armed struggle is a desirable thing. It can only be justified by patriotism."

The Coalition has received a number of reports of human rights violations in East Timor compiled by Timorese underground organizations in the past few months. A summary of these reports is annexed to this statement. We believe that such human rights abuses will continue as long as the right of the East Timorese to self-determination is prevented from being exercised in the proper way.

(Mr. Akatani)

The Coalition will continue to observe closely what concrete measures the United Nations will take to reflect the voice of the Timorese people.

On this urgent and unsolved issue of East Timor, I would like to point to the concern expressed over the years for the human rights of the people of East Timor by Pax Christi International Catholic Peace Movement. This organization, together with the Japanese Catholic Council for Justice and Peace, held a commemorative meeting in new York on 6 February this year to mark the second anniversary of the letter of Bishop Carlos Belo of Dili to the United Nations Secretary-General asking that the United Nations conduct a referendum in East Timor.

The petitioner withdrew.

The CHAIRMAN (interpretation from Arabic): Before calling on the next speaker, I wish to appeal to the petitioners to confine their remarks to the subject under consideration.

At the invitation of the Chairman, Mr. Pedro Pinto Leite (International Platform of Jurists for Support of East Timor's Right to Self-Determination) took a place at the petitioners' table.

The CHAIRMAN (interpretation from Arabic): I now call on Mr. Pinto Leite.

Mr. PINTO LEITE: It is now more than 15 years since Indonesia brutally invaded East Timor. The answer of Jakarta to the Security Council's call for the withdrawal of its forces was the Territory's official annexation. The United Nations, it is true, rejected the act and went on considering East Timor as a Non-Self-Governing Territory and Portugal as its administering Power. But meanwhile, more than 200,000 Timorese, roughly one third of the original population, lost their lives due to the violence and famine that accompanied the occupation.

Indonesia is not interested in discussing the question in regard to its legal aspects and desires the annexation to be seen as a fait accompli. It benefits in its efforts from the indifference of many countries and even from the connivance of some, moved by economic or strategic reasons. But nothing can make one forget the crimes that were, and are still being committed - among them, the fact that the Indonesian occupation hinders the people of East Timor from exercising their inalienable right to self-determination.

In March 1990, after more than 20 years of struggle, Namibia achieved political independence. It now seems that the people of Western Sahara, another victim of a long and unlawful occupation, will soon be able to pronounce on its own future through a referendum. On the other hand,

(Mr. Pinto Leite)

In regard to area and population, East Timor will become the biggest of the Territories with which the decolonization committee is still concerned.

The solution of the Namibian problem and the positive development of the question of Western Sahara - important achievements of the United Nations and of this Committee - indicate that, among the community of nations, the rule of law is now at last gaining ground on mere political expediency. The same can be said of the firm United Nations reaction to the occupation of Kuwait, where it was tried, like in the case of East Timor -

The CHAIRMAN (interpretation from Arabic): I call on the representative of Iraq on a point of order.

Mr. KADRAT (Iraq) (interpretation from Arabic): I am sorry to speak for a second time, Mr. Chairman, but I understand that you have already reminded speakers and earlier petitioners that they must confine themselves to the question under discussion. It seems, unfortunately, that they do not wish to make general statements but rather to delve into issues which are not within the province or competence of the Committee.

As I said, the Security Council has dealt with this question and adopted certain resolutions. Iraq has complied with all of those resolutions, but unfortunately the Council continues to impose its embargo in the name of liberty, humanity and democracy - precisely what is called for by the petitioners - despite the fact that Iraq has complied with all its resolutions.

So for a second time, Mr. Chairman, I would urge you to remind petitioners to confine their remarks to matters actually under discussion.

The CHAIRMAN (interpretation from Arabic): As Chairman, I wish for a second time to appeal to the petitioners to limit their remarks to the issue currently before the Committee. I now invite Mr. Pinto Leite to continue his statement, bearing in mind my appeal.

Mr. PINTO LEITE: The moment is thus favourable to the cause of East Timor's self-determination. It is necessary, nevertheless, to cast more light upon the juridical aspects of the question. It would be absurd if the world community, which righteously upheld strict compliance with international law in the cases of Namibia and Western Sahara, then turned a blind eye and accepted the annexation of East Timor. This is one of the reasons that has led to the formation of an international platform of jurists, which, within its specific field, aims to do its part in putting a stop to the foreign occupation of East Timor and to the creation of conditions that allow its people the exercise of its right to self-determination. The idea was based on the successful example of the Parliamentarians for East Timor, a group which was organized in 1988 and which has now more than 200 participants from around the world.

As a member of the organizing committee of the International Platform of Jurists for Support of East Timor's Right to Self-Determination, I am very pleased to affirm that this initiative will meet with similar success. A very high percentage of the invited lawyers have endorsed our goals and applied for membership of the Platform. The organizing committee has received up till now more than 65 applications from 15 different countries. Among these lawyers are professors of many American, Australian and European leading universities and members of several parliaments, including the European Parliament.

In November a two-day conference will meet in Lisbon for the official establishment of the platform and the planning of its future activities. We of the organizing committee anticipate that the conference will be attended by more than 100 jurists from all five continents.

The invasion, occupation and annexation of East Timor by Indonesia constitute a serious breach of international law, first and foremost because

(Mr. Pinto Leite)

they violate the right of the East Timorese people to self-determination. This right to self-determination includes some important economic aspects. The recent agreement between Indonesia and Australia on the exploitation of the resources of the so-called Timor Gap clearly violated one of those aspects: the right to permanent sovereignty over natural resources.

Two years ago, before this Committee, I asserted that the presence in East Timor of sufficient economic resources contradicted the Indonesian argument that the Territory is not economically viable. The colonialist exploitation of East Timor's oil deposits by Indonesia and Australia, regulated by the Timor Gap Agreement, betrays the fact that the very existence of those resources was one of the most important reasons that led to the occupation.

The proceedings concerning the negotiation, ratification and performance of that Agreement instituted by Portugal against Australia before the International Court of Justice are, in the view of the organizing committee of the Platform, a very important step towards the re-establishment of international legality in East Timor. We congratulate the Portuguese Government for having started those proceedings.

Another question related to the right of the people of East Timor to permanent sovereignty over its natural resources is the so-called development that Indonesia purports to be bringing to the Territory. It is important to notice that such "development aid" is still the basis of Jakarta's propaganda, as an attempt to distract world opinion from the negative effects of the crimes committed by its occupation forces.

However, as article 16, paragraph 1 of the Charter of Economic Rights and Duties of States stresses, development is not possible under foreign

(Mr. Pinto Leite)

occupation. The exercise of the right to self-determination is a prerequisite for development. Accordingly, Indonesia is even economically responsible to the people of East Timor:

> "for the restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources". (Resolution 3281 (XXIX), art. 16, para. 1)

of its Territory. And one cannot say that Indonesia alone is obliged to refrain from that false development in East Timor. As paragraph 2 of the same article pronounces:

> "No State has the right to promote or encourage investments that may constitute an obstacle to the liberation of a Territory occupied by force." (ibid., para. 2)

(Mr. Pinto Leite)

We heartily welcome the recent unanimous adoption of a resolution by the Parliamentary Assembly of the Council of Europe wherein a parallel is unequivocally drawn between two known cases. The resolution condemns the annexation of East Timor and demands the Government of Indonesia to withdraw its forces from the Territory and to create the preconditions for the free exercise of self-determination. Moreover, the States Members of the Council of Europe are requested to insist upon a political solution, negotiated within the United Nations, and to urge countries that have economic links with Indonesia to bring pressure to bear on Indonesia. Above all, those same States are called on to implement an arms embargo in respect of Indonesia until it ceases these violations of international law.

It is my sincere belief that, in striving for the re-establishment of the rule of law in East Timor, the International Platform of Jurists will make a constructive contribution to the work of the Committee on decolonization in this specific matter.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Bruno Kahn took a place at the petitioners' table.

The CHAIRMAN (interpretation from Arabic): I call on Mr. Kahn.

Mr. KAHN: It has been 15 years since Indonesia invaded and annexed East Timor. Since then, the issue has been regularly discussed in this Committee. Perhaps recent world developments will make it easier than in the past to reach a satisfactory solution to this question. My aim here is to petition in favour of decolonization of the Territory. First, I would like to give some arguments to support the need for securing self-determination for the people of East Timor. Then, I would like to highlight the recent growing

(Mr. Kahn)

international concern on the question. Finally, I will try to give some suggestions regarding a satisfactory process of self-determination.

The unlawfulness of the Indonesian presence in East Timor is not an issue in this Committee. Any military invasion of a foreign territory is in flagrant violation of the Charter of the United Nations. The Organization has reacted against the annexation of East Timor through two Security Council and eight General Assembly resolutions.

The presence of East Timor on the Committee's agenda is relevant for two reasons. First, the decolonization process started by Portugal in 1974 has not been completed. Secondly, Indonesia is behaving like a new colonial Power in East Timor. There is much evidence of this state of affairs: compulsory use of Indonesian as the only authorized language; compulsory high school courses, including Indonesian history and the study of Pancasila - the Indonesian State's ideological corpus. It may be worth reminding members at this point that the history and language of East Timor have little or no connection with those of Indonesia.

Even from an Indonesian viewpoint, from which the foregoing features would appear natural, there would be evidence of colonial practices. The Timorese have little effective access to the administration of the Territory and little access to the economy and commerce, which are dominated by Indonesians, mostly the military. There is virtually no possibility for a Timorese to find a job after graduating from high school. At least 20 per cent of the population in Dili, the capital, is now non-Timorese.

Although considerable sums have reportedly been used for development projects, it does not seem to benefit the Timorese. The rate of malaria and tuberculosis in certain regions is alarming, and there are too few doctors to

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satisfy the needs of the population. The natural resources of East Timor, including oil and natural gas in the Timor Gap, are being exploited by Indonesia with little or no profit for the Timorese.

These points are acknowledged not only by opponents, but also by supporters of the Indonesian occupation. The Indonesian-appointed Governor himself has complained of the high rate of unemployment, the serious health situation in the Territory and the fact that the Timorese do not profit from their own resources. A 1990 report drafted by Gajah Mada University, an Indonesian institution, has also highlighted these conditions.

The East Timorese reject the Indonesian occupation, which is of an oppressive nature. This can be seen in three equally important ways. First, there are explicit signs: repeated demonstrations for independence in the presence of foreign witnesses, contacts with and statements to visitors and the commitment of refugees in Portugal and Australia to action for self-determination. Demonstrators have subsequently been chased and arrested. In some instances they have been tortured or have disappeared. It is particularly striking that the people who act and speak up, sometimes at the risk of their lives, belong to the younger generation, which has grown up and has been educated under the occupation.

Secondly, there is strong evidence: a massive military presence - at least 12,000 troops for a population of around 700,000 persons according to diplomatic sources - reluctance on the part of the population to speak Indonesian, a general atmosphere of fear, including fear of addressing or of being addressed by foreigners. This has been noted by all visitors who have been able to travel without official interference since the opening of the Territory in 1989. The continuing armed resistance, estimated at a few

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hundred by the Indonesian armed forces, has not been suppressed, and its highly wanted leader, Xanana Gusmao, has not been captured despite several attempts by the military to do so. Recently, he was even able to spend a month in Dili, hold talks with clandestine networks and telephone abroad before returning safely to the hills. This demonstrates that the resistance enjoys substantial support among the population.

Thirdly, there is political unity: the two main Timorese political parties, the Revolutionary Front for an Independent East Timor (FRETILIN) and the Democratic Union of Timor (UDT), which have very different concepts of society, both demand independence, and, since 1986, have joined in the National Convergence. The Convergence is recognized by Portugal, the legal administering Power of the Territory. Three years ago, the armed resistance in East Timor (FALINTIL), which used to come under FRETILIN, disassociated itself from political parties at the initiative of Xanana Gusmao.

I should now like to turn to international concern, which has grown quite impressively in the last few years. More and more non-governmental organizations are expressing concern about the human rights situation in East Timor. This is also true of the Churches. In the European Parliament, an important report on East Timor was drafted by Ms. van den Heuvel in 1988, and five resolutions on the Territory have been passed since 1986. The same development has taken place within the Joint Assembly of the African, Caribbean and Pacific Group and the European Economic Community (ACP-EEC Joint Assembly). Last June, the Parliamentary Assembly of the Council of Europe unanimously adopted its first resolution on East Timor. In the United States, thanks to the action of Representative Tony Hall, letters of concern have consistently been sent from the Congress to the Administration in the past two

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years. The latest, in November 1990, was signed by over half the entire Congress, that is, 223 representatives. The 1991 State Department report on the human rights situation world-wide acknowledges extensive violations in Indonesia and in East Timor.

Concern is no longer voiced merely about the human rights situation in the Territory. The letter from Congress asks for "a process of peace talks" and "negotiations without preconditions among the parties directly involved." The Council of Europe resolution demands a cease-fire and "political preconditions for free exercise of self-determination". The European Community statement at the United Nations Commission on Human Rights last February expressed the hope for a solution

"in conformity with the principles of the United Nations Charter ... taking fully into account the interests of the East Timorese".

I should like to conclude by turning to United Nations action. However, I am not familiar enough with the work of the Special Committee to make more than the following comments.

(Mr. Kahn)

First, the United Nations, under the auspices of its Secretary-General, has already been working for several years on a solution to the question by a process of consultation between the parties. A parliamentary delegation from Portugal, the administrative Power, is supposed to visit the Territory some time this summer within this framework.

Secondly, the armed resistance has consistently shown its good will by issuing peace plans, and has always been open to a cease-fire and negotiations without preconditions. Those actually took place in 1983, but negotiations were subsequently broken off by Indonesia.

Thirdly, the international climate, in particular its long-standing bipolarization, has drastically changed for the better in the past few years. This could remove some obstacles to the solution of the East Timor question.

Fourthly, a difficult case of decolonization was successfully concluded last year by the United Nations. This gives hope that others, including East Timor, can also be solved in the near future. In this respect, it may be worth recalling the Secretary-General's statement last March to a delegation of parliamentarians for East Timor that the East Timor question is just as important in the United Nations as other pending questions of self-determination.

The petitioner withdrew.

At the Chairman's invitation, Mrs. Merril Findlay (Australian Council for Overseas Aid) took a place at the petitioners' table.

The CHAIRMAN (interpretation from Arabic): I call on Mrs. Findlay.

Mrs. FINDLAY: Thank you for the opportunity to speak with you here today. The organization I represent, the Australian Council for Overseas Aid, has petitioned you in the past, but we are anxious to do so again in what we believe is now a new political climate. And in view of the excellent role the

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United Nations has played in Namibia and Western Sahara recently, and the unprecedented attention being given to long-term and seemingly intractable issues by the United States, the USSR and Britain, we believe the time is now right for a fresh attempt to resolve the ongoing conflict in East Timor, in what, as the Soviet representative to this Committee said this morning, can now be known as the post-confrontational period of world development. Talks are now being facilitated on Cambodia, Palestine, Cyprus and Northern Ireland. Why not, in 1991, United-Nations-sponsored talks on East Timor too? We would like to see all interested parties in that conflict sit down at a round table and just begin to talk, not about the past, but about the future.

When General Murdani gave the order to invade East Timor 16 years ago, the world was a very different place. Many of the issues that dominated international affairs then have now disappeared from the global political agenda. In the 1990s, that agenda is dominated by regional conflicts and ethnic demands for autonomy that challenge many of our established concepts of sovereignty: I have already mentioned Palestine, Northern Ireland, Cyprus; but we can add to that list the Baltic States, Yugoslavia, Quebec, Bougainville, Tibet, Kashmir, Sri Lanka, Kurdistan, the Sudan, Ethiopia and Eritrea - to name but a few.

In the 1990s, it is clear that the concept of self-determination must be considered far more broadly than when East Timor was added to the list of Non-Self-Governing Territories in 1960. As Australia's representative to the Commission on Human Rights in Geneva said in his formal statement on 1 February 1991:

> " ... Peoples are seeking to assert their identities, to preserve their languages, cultures and traditions and to achieve greater self-management and autonomy, free from undue interference from central Governments.

(Mrs. Findlay)

This poses difficult dilemmas for many Governments. Many fear it could be difficult to reconcile greater autonomy for particular communities with preservation of hard-won national unity and with prospects for economic growth and development. ... The challenge for Governments will be to respond effectively to the growing demands by displaying sympathy for legitimate concerns and maintaining harmony and the full protection and promotion of human rights and by devising new understandings, structures and institutions".

Australian political scientist and prominent Indonesianist Dr. Herb Feith, sees recent challenges to national sovereignty as a second generation of claims to self-determination

"by peoples whose grievances are not against a Western European colonial ruler, as in the first decades after 1945, but against rulers who have manifestly failed in certain regions of their State to fashion a legitimate form of rule".

He argues that East Timor can be viewed just as well in this context as it can be as a classic first-generation case of incomplete decolonization.

From Indonesia's point of view, of course, the East Timorese have already expressed their right of self-determination and have chosen integration, although such a view has little credibility on the world stage. Indonesia also claims that conditions have improved significantly in East Timor since 1975, and that the East Timorese are better off now than they ever have been. Materially this may be so. Nevertheless, as my colleagues have today said, independent observers still return from the former Portuguese Territory shocked by what they describe as the misery, trauma, fear and repression they find there.

(Mrs. Findlay)

At a seminar in Washington sponsored by the social Science Research Council of the United States and by the Ford Foundation this year, Bishop Paul Moore, the retired Episcopal Archbishop of New York, Allan Nairn of the New Yorker magazine and Robert Archer from London's Catholic Institute for International Relations all expressed deep concern about what they had seen during their recent visits to East Timor.

But the military leader of the East Timorese resistance, Xanana Gusmao, agrees that there have been certain material improvements in living standards since the Indonesian occupation. In a historic interview with Australian lawyer Robert Domm in September 1990, he described those improvements as a strategy on the part of Jakarta to subjugate the people. He stated that

> "There aren't any material benefits which could compensate for our sacrifices. A paved road and some houses have no value. The Maubere people have their own sense of honour and pride in themselves. Material benefits are only to satisfy daily needs and aren't an end in themselves. So our people not only don't benefit from the material improvements, but these are in conflict with their own concepts of life, with their way of living".

Even sources from within Indonesia admit now that despite the millions of development dollars that have been spent, Timor remains a deeply traumatized and alienated society that is dominated socially, politically, economically and militarily from Jakarta. In March 1990 a team of social scientists, led by the prominent economist Professor Mubyarto from Gadjah Mada University Research Centre for Village and Regional Development in Yogyakarta, released a report entitled "East Timor: The Impact of Integration"; several of my colleagues have referred to this report already today. The report was

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commissioned by the Bank of Indonesia and the local development planning board for the province of East Timor, and was based on the systematic study of several villages around Dili. It concluded that, amongst other things, the people of East Timor suffer from an overdose of the military.

While the Mubyarto study offers no support for the independence struggle, it does acknowledge that there is a very serious problem in East Timor, and challenges the orthodox Indonesian Government position. It recommends a reduction in troop levels and an end to economic monopolies. It also calls for the disbanding of the resettlement centres into which the majority of Timorese villagers were forcibly moved in the 1980s and, most importantly, the democratization of decision-making so that East Timorese can have a greater say in decisions that affect their own destiny.

The basic reality in East Timor remains that there is still a war being waged, and no amount of economic development or government rationalization can obscure that fact. From the East Timorese point of view, that war is a war of liberation and it continues to disrupt the life of every family. In the interview with Robert Domm, Xanana Gusmao described the territorial counter-insurgency methods the Indonesians are practising, and the United-States-supplied military equipment being used against guerrilla fighters and civilians. He also described in general terms the clandestine groups, the well-organized underground movement and the role of the clergy in supporting the ongoing struggle for self-determination.

He estimated that the number of war-related deaths in East Timor since the invasion had been greater than 200,000, and that Indonesia had lost 25,000 to 30,000 military personnel in that time.

(Mrs. Findlay)

During the interview - which I quote on the basis of the Australian Broadcasting Corporation transcript - Domm said to Xanana Gusmao:

"Many people may argue that while what has happened in East Timor may be unfortunate, it is now impossible for East Timor to be independent."

Domm asked:

"Realistically, how likely is it that you can achieve your goals, and how long are you prepared to suffer the deprivations of a guerrilla life in the bush?"

Xanana replied:

"Realistically, it is not appropriate for me to tell you here whether I think it is possible for us to achieve independence. We are geared towards the defence of our rights, and realistically all our people desire that. If many people argue that it is impossible for East Timor to be independent at the moment, I think they see the question in a simplistic way. The problem of East Timor is not so simple for Indonesia and the world. We are prepared to continue to resist for as long as necessary, as long as Jakarta does not adopt a more flexible, just and responsible attitude - "

The CHAIRMAN (interpretation from Arabic): I call on the representative of Papua New Guinea on a point of order.

Mr. MAINO (Papua New Guinea): While apologizing for my lateness in interrupting, I would ask you, Sir, to remind the petitioner that Bougainville is not an issue that is within the competence of this Committee and should thus not be mentioned at all.

The CHAIRMAN (interpretation from Arabic): I reiterate my appeal to petitioners to restrict their statements to the item under consideration.

I call on Mrs. Findlay.

Mrs. FINDLAY: Xanana continued:

"We are prepared to accept our own extermination, as long as Jakarta thinks that there is only one way to solve the problem, that there exists only the use of force to make us surrender. So only after Jakarta shows more flexibility can I more realistically comment on how we could achieve independence."

Robert Domm then asked:

"What are your proposals for a solution in East Timor? Would you be prepared to compromise, for example, to gain autonomy within Indonesia and yet be free to run internal affairs with Jakarta running other matters like foreign affairs and defence?"

Xanana Gusmao replied:

"I cannot comment on that since I am only one person, and the leadership of the struggle involves FALINTIL as well as the nationalist parties. Many proposals have been sent to the world, but none has been responded to. I can only say that I am ready to discuss any project for a solution without preconditions, and under the auspices of the United Nations.

"Obviously, nothing could take place here if there was no cease-fire because there would be physical threats to us. So the only essential condition for discussing proposals for a solution is the cease-fire."

The flexibility of the East Timorese resistance and the willingness of the FALINTIL military leader to begin negotiations without preconditions represent a very real opportunity for the international community through the United Nations to honour the many resolutions adopted in both the General Assembly and the Security Council regarding the decolonization of East Timor.

(Mrs. Findlay)

Namibia has been settled; Western Sahara and Cambodia are on the way to being settled; now it is time to give the people of East Timor an opportunity to live in peace and to decide their own future. Only then can the problems identified in the Gadjah Mada University Research Centre report be solved.

The Australian Council for Overseas Aid, a coordinating body representing 90 non-governmental organizations involved in the field of overseas aid and development, is now sponsoring a proposal that builds on those already presented to the international community: by Xanana Gusmao, by my colleague from Japan, Mr. Kan Akatani, who spoke earlier today, by East Timor's Bishop Carlos Belo, by the Portuguese Government and by others, including members of the European Parliament, the United States Congress and the Japanese Diet. The proposal I am presenting now also complements the recommendations made by Professor Mubyarto and his colleagues at Gadjah Mada University and the work being done by the Secretary-General to bridge the differences between Indonesia and Portugal.

This Australian non-governmental proposal is now being promoted nationally and globally by the East Timor Talks Committee, based in Melbourne, and will be developed more fully during the year. It simply calls for round-table discussions, without preconditions, about the future of East Timor. Participants in the talks would include representatives of the Governments of Portugal and Indonesia, the East Timorese military leader Xanana Gusmao, representatives of the East Timorese political parties and the Roman Catholic Church, and the Secretary-General. The United Nations would convene the discussions.

(Mrs. Findlay)

Under that proposal the talks would be open and wide-ranging. They might include discussion of a staged peace process beginning with a cease-fire followed, for example, by the introduction of a United Nations peace-keeping force. A range of options for the future status of East Timor might be considered, from full independence to some form of free association between Indonesia and East Timor. Discussions might also offer safeguards for Indonesia. These could include base facilities for the Indonesian navy and air force in East Timor for example, or the continued use of Indonesian currency and links with the Association of South-East Asian Nations (ASEAN). Such arrangements could be formalized through the United Nations. An ongoing international presence, possibly including Portugal, ASEAN and the United Nations itself, might be considered in order effectively to guarantee and sustain the agreed arrangements.

As Jose Ramos Horta, one of the campaign's many supporters, commented in Melbourne recently,

> "The round-table discussions should be just a mechanism, a forum to air differences, to begin a process that would create a climate of confidence in which the conflict could finally be resolved".

He echoed Xanana Gusmao's comment that a cease-fire similar to that negotiated in 1983 would be an essential agenda item. He said,

> "It would make no sense if we were to talk and hostilities were to continue. A cease-fire would be a first step in the confidence-building process. It could take three months, six months, one year; we should not set a deadline on such a course. The situation will not be so urgent when hostilities have ceased, when people are not being killed, when people are not being tortured and imprisoned."

(Mrs. Findlay)

For nearly 16 years the Governments of the world through the United Nations have failed to resolve the conflict in East Timor. In this, the Decade for the Eradication of Colonialism, it is appropriate that it is "we the people", represented by non-governmental organizations, who put forward this proposal to begin the process of building peace in this one-time Portuguese colony.

We are simply asking that all interested parties sit down to talk: Indonesians, Portuguese, East Timorese and the United Nations. This is East Timor's decade, and it is time to talk: not about the past, but about the future of East Timor.

The petitioner withdrew.

The CHAIRMAN (interpretation from Arabic): The Committee will continue the hearings tomorrow.

The meeting rose at 5.10 p.m.